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Regulations and Non-Regulatory Revisions to State Implementation Plan: Montana

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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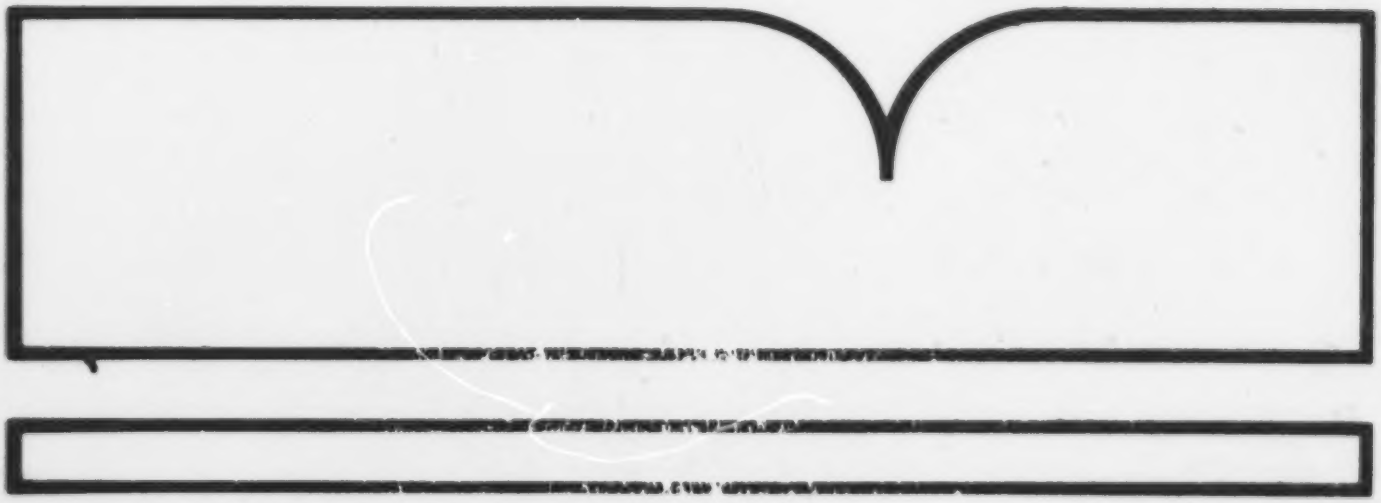

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Montana

By

Atlantic Environmental Associates, Inc.
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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
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PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Montana, EPA-450/2-80-033, prepared under Contract 68-02-3388, July 31, 1980.

according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF MONTANA SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
03/04/80	09/04/75	45FR14043	Amended regulations for incinerators, industrial processes, storage of petroleum products, aluminum refineries and malfunction. (Note: Regulation ARM 16-2.14(1), S14000 disapproved.)
03/14/80 09/23/80 11/20/80	04/24/79	45FR14043 45FR62984 45FR76687	Revisions to a number of regulations and a new regulation for new source review. Note revisions to the malfunction regulation are disapproved. No action on the Prevention of Significant Deterioration, or the Revised Stack Height Regulation.

STATE OF MONTANA

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16-2.14(1)-S1410 DEFINITIONS

(1) "Animal matter" means any product or derivative of animal life.

(2) "Control equipment" means any device or contrivance which prevents or reduces emissions.

(3) "Control officer" means the director or the administrator, or any employee of the department designated by the administrator, or any local health officer or employee designated by the administrator.

(4) "Existing equipment" means equipment installed prior to November 23, 1968.

(5) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; private, public or nonprofit organization or institution routinely serving food; catering kitchen, commissary, or similar place in which food or drink is placed for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(6) "Fuel burning equipment" means any furnace, boiler apparatus, stack, or appurtenances thereto used in the process of burning fuel or other conbustible material for the primary purpose of producing heat or power by indirect heat transfer.

(7) "Incinerator" means any equipment, device or contrivance used for the destruction of garbage, rubbish or other wastes by burning, but not wood wastes burned in devices commonly called teepee burners, silos, truncated cones, wigwam burners or other such burners used commonly by the wood products industries and not including barrels, baskets or other contrivances commonly termed backyard trash burners, trash barrels or ash pits.

(8) "Installation" means any property, real or personal, including, but not limited to, processing equipment, manufacturing equipment, or construction, capable of creating or causing emissions.

(9) "Multiple chamber incinerator" means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned.

(10) "New equipment" means:

(a) Any equipment, installation, construction, article, machine or contrivance constructed or installed after the effective date of this rule.

(b) Any equipment replaced or altered or processes changed in such a manner after the effective date of this rule as to have any substantial effect on the production or control of air contaminants.

(c) Any equipment moved after the effective date of this rule to another premise involving a change of address.

(d) Any equipment purchased and to be operated after the effective date of this rule by a new owner or when a new lessee desires to operate such equipment.

(11) "Odor" means that property of an emission which stimulates the sense of smell.

(12) "Opacity" means the degree, expressed in percent, to which emissions reduce the transmission of light and obscure the view of an object in the background. Where the presence of uncombined water is the only reason for failure of an emission to meet an applicable opacity limitation contained in this chapter, that limitation shall not apply. For the purpose of this chapter, opacity determination shall follow all requirements, procedures, specifications, and guidelines contained in Method 9, Appendix A, Part 60.275 (Test Methods and Procedures), Title 40, Code of Federal Regulations, as revised July 1, 1977, or by an in-stack transmissometer which complies with all requirements, procedures, specifications and guidelines contained in Performance Specification 1, Appendix B, Part 60.275 (Test Methods and Procedures), Title 40, Code of Federal Regulations as revised July 1, 1977.

(13) "Open fire" means a fire where any material is burned in the open or in a receptacle other than a furnace or multiple chamber incinerator.

(14) "Particulate matter" means any material, except water in uncombined form that is or has been airborne, and exists as a liquid or a solid at standard conditions.

(15) "Person" means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate or any other legal entity.

(16) "Premises" means any property, piece of land or real estate or building.

(17) "Process weight" means the total weight of all materials introduced into any specific process which may cause emissions. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

(18) "Process weight rate" means the rate established as follows:

(a) For continuous or long-run steady-state operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

(19) "Public nuisance" means any condition of the atmosphere beyond the property line of the offending person which is injurious to health, or offensive to the senses, or which causes or constitutes an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(20) "Reduction" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.

(21) "Ringelmann Smoke Chart" means the chart published and described in the latest applicable U. S. Bureau of Mines Information Circular, used in estimating the light obscuring power of smoke.

(22) "Salvage operation" means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

(23) "Source" means any property, real or personal, or person contributing to air pollution.

(24) "Stack or chimney" means any flue, conduit or duct arranged to conduct emissions.

(25) "Standard conditions" means a temperature of 70° Fahrenheit and pressure reduced to 29.92 inches of mercury at sea level.

(26) "Trade waste" means solid, liquid, or gaseous material resulting from construction or the prosecution of any business, trade or industry, or any demolition operation including, but not limited to, wood, plastics, cartons, grease, oil, chemicals and cinders.

(27) "Wood waste burners" means devices commonly called teepee burners, silos, truncated cones, wigwam burners, and other such burners commonly used by the wood products industry for the disposal of burning of wood wastes.

(28) The definitions contained in Section 75-2-103, MCA, shall be applicable where appropriate. (History: Sec. 75-2-211, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 1727; Eff. 12/29/78.)

16-2.14(1)-S1415 PERMITS, CONSTRUCTION AND OPERATION OF AIR CONTAMINANT SOURCES (1) Permits required and exclusions. Except as hereafter specified, no person shall construct, install, alter or use any air contaminant source or stack associated with any source without first obtaining a permit from the Department or the Board. A permit shall not be required for the following:

(a) Residential, institutional, and commercial fuel burning equipment of less than:

(i) 10,000,000 BTU/hr heat input if burning liquid or gaseous fuels, or

(ii) 5,000,000 BTU/hr heat input if burning solid fuel;

(b) Residential and commercial fireplaces, barbeques and similar devices for recreational, cooking or heating use;

(c) Motor vehicles, trains, aircraft and other such self-propelled vehicles;

(d) Laboratory equipment used exclusively for chemical or physical analysis;

(e) Food service establishments;

(f) Any activity or equipment associated with the use of agricultural land or the planting, production, harvesting or storage of agricultural crops (this exclusion does not apply to the processing of agricultural products by commercial businesses);

(g) Ventilating systems used in buildings to house animals;

(h) Emergency equipment installed in hospitals or other public institutions or buildings for use when the usual sources of heat, power and lighting are temporarily unobtainable;

(i) Any activity or equipment associated with the construction, maintenance, alteration or use of roads, except for stationary sources, including but not limited to, rock crushers and asphalt plants, and roads associated with a source that is otherwise required to obtain a permit under this rule;

(j) Agricultural and forest prescription fire activities (the adoption of this exclusion does not exempt such activities from regulation under the Open Burning Rule, ARM 16-2.14(1)-S1490); and

(k) Drilling rig stationary engine and turbines of less than:

(i) 2000 HP if burning natural gas, or

(ii) 1000 HP if burning liquid fuels; and

(l) All other sources and stacks not specifically excluded which have the potential to emit less than 25 tons per year of any pollutant for which a rule has been adopted in this subchapter.

(2) Definitions. For the purpose of this rule:

(a) "New or altered source or stack" means a source or stack associated with a source which has not been constructed or upon which construction has not commenced prior to the effective date of this rule. However, if the owner or operator of a source or stack has not commenced construction prior to the effective date of this rule, but the owner or operator has received a permit from the Department or the Board, then the source or stack shall not be considered a new or altered source or stack.

(b) "Existing source or stack" means a source or stack associated with a source which is in existence and operating or capable of being operated or which has a permit from the Department or the Board on the effective date of this rule.

(c) "Owner or operator" means the owner of a source or stack associated with a source or the authorized agent of the owner, or the person who is responsible for the overall operation of the source or stack.

(d) "Construct" or "construction" means on-site fabrication, erection or installation of a source or control equipment, including a reasonable period for startup and shakedown.

(e) "Best available control technology" means an emission limitation (including a visible emission standard), based on the maximum degree of reduction for each pollutant subject to regulation under the federal Clean Air Act as amended August 7, 1977 or the Montana Clean Air Act, which would be emitted from any proposed stationary source or modification which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such contaminant. In no event shall application of the best available control technology result in emission of any contaminant which would exceed the emissions allowed by any applicable standard under ARM 16-2.14(1)-S14082 and S14084. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(f) The term "lowest achievable emission rate" means for any source, that rate of emissions which reflects:

(i) the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(ii) the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance under ARM 16-2.14(1)-S14082 and S14084.

(3) Emission control requirements. The owner or operator of a new or altered source for which an air quality permit is required by this rule shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that:

(i) best available control technology shall be utilized; and

(ii) the lowest achievable emission rate shall be met to the extent and by such sources as may be required by the Federal Clean Air Act, as amended on August 7, 1977. All equipment shall be operated to provide the maximum air pollution control for which it was designed.

(4) Air quality permit and application requirements for existing sources and stacks.

(a) The owner or operator of an existing source or stack which was not in existence on November 23, 1968,shall apply for an air quality permit on or before January 1, 1981. This subsection does not relieve the owner or operator of an existing source or stack from complying with the application requirements of subsection (5) of this rule if the owner or operator intends to alter, reconstruct or use the existing source or stack in a manner that would require the submission of an application for an air quality permit for a new or altered source or stack.

(b) The owner or operator of an existing source for which an air quality permit is required by this rule shall apply for an air quality permit on forms available from the Department and shall be subject to the signature requirements of subsection (5)(a). The information to be submitted shall include the following:

(i) Any information described in subsection (5)(b) of this rule which was not submitted as a part of any previous permit application reviewed by the Department;

(ii) Any information relating to the matters described in subsection (5)(b) of this rule which has changed or is no longer applicable; and

(iii) A certification by the applicant that the source or stack is being operated in compliance with the conditions of an existing permit if one has been issued.

(c) Nothing in this subsection shall require an applicant to submit information already filed with the Department. If the applicant believes information has already been submitted to the Department, the applicant shall so indicate and, wherever possible, shall specify the date upon which the information was submitted. Any information so submitted shall be considered part of the application.

(5) Permit and application requirements for new or altered sources and stacks.

(a) The owner or operator of a new or altered source shall, not later than 180 days before construction begins, or

if construction is not required not later than 120 days before installation, alteration or use begins, submit an application for an air quality permit on an application form provided by the Department. The air quality permit, if granted, shall authorize the construction and operation of the source subject to the conditions in the permit and to the requirements of this rule. The application form shall contain a certification by the person signing the application that all information contained therein is true. An unsigned or improperly signed application shall be considered incomplete. The following persons are authorized to sign an application on behalf of the owner or operator of a new or altered source or stack:

(i) An application submitted by a corporation must be signed by a principal executive officer of at least the level of vice president, or his authorized representative, if that representative is responsible for the overall operation of the source or stack;

(ii) An application submitted by a partnership or a sole proprietorship must be signed by a general partner or the proprietor respectively;

(iii) An application submitted by a municipal, state, federal or other public agency shall be signed by either a principal executive officer, appropriate elected official or other duly authorized employee; and

(iv) An application submitted by an individual must be signed by the individual or his authorized agent.

(b) The application for an air quality permit to construct a new or altered source or stack shall include the following.

(i) A map and diagram showing the location of the proposed new or altered source and each stack associated with the source, the property involved, the height and outline of the buildings associated with the new or altered source, and the height and outline of each stack associated with the new or altered source;

(ii) A description of the new or altered source including data on expected production capacity, raw materials and major equipment components;

(iii) A description of the control equipment to be installed;

(iv) A description of the composition, volume and temperatures of the effluent stream, including the nature and extent of air contaminants emitted, quantities and means of disposal of collected contaminants, and the air quality relationship of these factors to conditions created by existing sources or stacks associated with the new or altered source or stack;

(v) Normal and maximum operating schedules;

(vi) Adequate drawings, blueprints, specifications or other information to show the design and operation of the equipment involved;

(vii) Process flow diagrams containing material balances;

(viii) A detailed schedule of construction or alteration of the source or stack;

(ix) A description of the shakedown procedures and time frames that will be used at the source or stack; and

(x) Such other information requested by the Department which is necessary to review the application and determine whether the new or altered source will comply with applicable standards and rules.

(c) The owner or operator of a new or altered source shall, before construction is scheduled to end as specified in the air quality permit, submit additional information on a form provided by the Department. The information to be submitted shall include the following:

(i) Any information relating to the matters described in subsection (5)(b) of this rule which has changed or is no longer applicable; and

(ii) A certification by the applicant that the new or altered source or stack has been constructed in compliance with the air quality permit.

(d) Nothing in this subsection shall require an applicant to submit information already filed with the Department. If the applicant believes information has already been submitted to the Department, the applicant shall so indicate and, wherever possible, shall specify the date upon which the information was submitted. Any information so submitted shall be considered part of the application.

(6) Public review of permit applications.

(a) Where an application for a permit requires the compilation of an environmental impact statement under the Montana Environmental Policy Act, the procedures for public review shall be those required by the Montana Environmental Policy Act and the rules adopted by the Board and Department to implement the Act, ARM 16-2.2(2)-P2000 through P2080.

(b) Where the application for a permit does not require the compilation of an environmental impact statement, an application shall be deemed to be complete and filed on the date the Department received it unless the Department notifies the applicant in writing within 30 days thereafter that it is incomplete. The notice shall list the reasons why the application is considered incomplete and shall specify the date by which any additional information requested shall be submitted. If the information is not submitted as required, the application shall be considered withdrawn unless the applicant requests in writing an extension of time for submission of the additional information. The application is complete and filed on the date the required additional information is received.

(i) The applicant shall notify the public, by means of legal publication in a newspaper of general circulation in the area affected by the application of its application for

permit. The notice shall be made not sooner than 10 days prior to submittal of an application nor later than 10 days after submittal of an application. Form of the notice shall be provided by the Department.

(ii) Within forty (40) days after receiving a complete and filed application for a permit, the Department shall make a preliminary determination whether the permit should be issued, issued with conditions or denied; and

(iii) After making a preliminary determination, the Department shall notify those members of the public who requested such notification subsequent to the notice required by subsection (6)(b)(i) and the applicant of the Department's preliminary determination. The notice shall specify that comments may be submitted on the information submitted by the applicant and the Department's preliminary determination to issue, issue with conditions or deny the permit. The notice shall also specify the following:

(A) Where a complete copy of the application and the Department's analysis of the applicant can be reviewed. One copy of this material shall be made available for inspection by the public in the air quality control region where the source or stack is located.

(B) A date by which all comments on the Department's preliminary determination must be submitted in writing within fifteen (15) days after notice is mailed.

(C) Notwithstanding the opportunity for public comment, a final decision must be made within sixty (60) days after a completed and filed application is submitted to the Department as required by Section 75-2-211, MCA. The notice shall specify the date upon which the sixty (60) day period expires, the person from whom a copy of the final decision may be obtained, and the procedure for requesting a hearing before the Board concerning the Department's decision.

(7) Conditions under which permits may be issued.

(a) Any permit issued under the provisions of this rule may be issued with such conditions as are necessary to assure compliance with all applicable rules and standards.

(b) An air quality permit to construct shall not be issued to a new or altered source, except as provided in subsection (7)(e) unless the applicant demonstrates that the source or stack can be expected to operate in compliance with the standards and rules adopted under the Montana Clean Air Act and the applicable regulations and requirements of the Federal Clean Air Act.

(c) A new or altered source shall not commence operation, except as provided in subsection (7)(e), unless the information submitted by the applicant demonstrates that construction has occurred in compliance with the permit and that the source can operate in compliance with applicable rules and standards of the permit.

(d) An air quality permit shall be issued to an existing source unless the Department demonstrates that the source does not operate in compliance with applicable rules or standards or an existing permit granted by the Board or Department.

(e) The Department may issue an air quality permit for a source or stack which cannot immediately comply with an applicable rule or standard. Any permit issued under this subsection shall be issued with a compliance schedule specifying interim construction and modification requirements that must be satisfied to achieve compliance with applicable rules and standards. Such a compliance schedule permit shall only be issued if it is demonstrated that the source or stack can operate or be expected to operate in compliance with applicable rules and standards within two (2) years after the date of issuance of the permit.

(f) Commencement of construction or operation under any permit containing conditions shall be deemed acceptance of all conditions so specified, provided that nothing contained herein shall affect the right of the permittee to appeal the imposition of conditions to the Board as provided in Section 75-2-211, MCA.

(8) Denial of permits. If the Department denies the issuance of an air quality permit it shall:

(a) Notify the applicant in writing of the reasons why the permit is being denied and advise the applicant of his right to appeal the Department's decision to the Board as provided in Section 75-2-211, MCA. Service of the Department's decision to deny the permit shall be made as provided in the Montana Rules of Civil Procedure except that the applicant may

agree by written acknowledgement to service by mail; and

(b) Refuse to accept any further application from the applicant for that particular project until:

(i) The period for appeal to the Board has expired;

(ii) The Board has rendered a final decision in the matter if an appeal is undertaken; or

(iii) The applicant has agreed to adequately address the reasons for denial.

(9) Duration of permits. Air quality permits shall be valid until revoked or modified as provided in this rule, except that permits issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than one year after the permit is issued.

(10) Revocation of air quality permits. An air quality permit may be revoked for violations of any condition of a permit, rule, or standard adopted pursuant to the Clean Air Act of Montana, applicable Federal Clean Air Act regulation, or any provisions of the Montana Clean Air Act or applicable provisions of the Federal Clean Air Act. The Department shall notify the permittee of its intent to revoke the permit in writing. Service of the Department's intention to revoke shall be made as provided in subsection (8)(a) of this rule. The Department's decision to revoke a permit shall become final within fifteen (15) days after service of the notice unless the permittee requests a hearing before the Board. The hearing and judicial review of the Board's decision shall be governed by the Montana Administrative Procedure Act. The filing of a request for a hearing postpones the effective date of the Department's decision to revoke the permit until the conclusion of the hearing and issuance of a final decision by the Board.

(11) Modification of air quality permits. An air quality permit may be modified for the following reasons:

(a) Changes in any applicable rules and standards adopted by the Board; or

(b) Changed conditions of operation at a source or stack which do not involve the construction, installation or use of a new source or stack. A determination of whether a permit should be modified because of changed conditions of operation shall be based upon a determination of whether total emissions from a source or stack will be increased as a result of the changed operations.

(c) The Department shall notify the permittee in writing of any proposed modifications of the permit. Service of the Department's intention to modify shall be made as provided in subsection (8)(a) of this rule. The permit shall be deemed modified in accordance with the notice within fifteen (15) days after service of the notice unless the permittee requests a hearing before the Board. The hearing and judicial review

of the Board's decision shall be governed by the Montana Administrative Procedure Act. The filing of a request for a hearing postpones the effective date of the modifications to the permit until the decision of the Board becomes final or judicial review has been concluded.

(12) Waivers. The Department may, as specified in Section 75-2-211, MCA:

(a) Waive the requirements for submittal of information required in an application; and

(b) Waive or shorten the time required for the submission of an application.

(13) Transfer of air quality permits. After approval by the Department, an air quality permit may be transferred from one location to another or from one person to another.

(14) General provisions.

(a) Air quality permits shall be made available for inspection by the Department at the location of the source or stack for which the permit has been issued.

(b) Nothing in this rule shall be construed as relieving any permittee of the responsibility for complying with any applicable Federal or Montana statute, rule or standard except as specifically provided in this rule. (History: Sec. 75-2-111, 75-2-204, MCA; NEW, 1979 MAR p. 224; Eff. 3/16/79.)

16-2.14(1)-S1420 INCINERATORS (1) No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator or one of other design of equal effectiveness approved by the department prior to installation or use.

(2) No person shall cause or authorize to be discharged into the outdoor atmosphere from any incinerator, particulate matter in excess of 0.10 grains per standard cubic foot of dry flue gas, adjusted to twelve percent (12%) carbon dioxide and calculated as if no auxiliary fuel had been used.

(3) No person shall cause or authorize to be discharged into the outdoor atmosphere from any incinerator emissions which exhibit an opacity of ten percent (10%) or greater averaged over six (6) consecutive minutes.

(4) The department may, for purposes of evaluating compliance with this rule, direct that no person shall operate or cause or authorize the operation of any incinerator at any time other than between the hours of 8:00 a.m. and 5:00 p.m. At those times when the operation of incinerators is prohibited by the department, the owner or operator of the incinerator shall store the refuse in a manner that will not create a fire hazard or arrange for the removal and disposal of the refuse in a manner consistent with ARM 16-2.14(8)-S14315, Solid Waste Management.

(5) The provisions of this rule are applicable to performance tests for determining emissions of particulate matter from incinerators. All performance tests shall be conducted while the affected facility is operating at or above the maximum refuse charging rate at which such facility will be operated and the refuse burned shall be representative of normal operation and under such other relevant conditions as the department shall specify based on representative performance of the affected facility. Test methods set forth in Title 40, Part 60, Code of Federal Regulations, or equivalent methods approved by the department shall be used. (History: Sec. 75-2-203, MCA; Eff. 12/31/72; AMD, Eff. 9/5/75; AMD, 1978 MAR p. 1731; Eff. 12/29/78.)

16-2.14(1)-S1430* PARTICULATE MATTER, INDUSTRIAL PROCESSES

(1) No person shall cause, suffer, allow, or permit to be discharged into the outdoor atmosphere from any operation, process or activity, except (a) fuel burning equipment and (b) incinerators, particulate matter in excess of the amount shown in Table I of this regulation. When the process weight falls between two values in the table, the maximum weight discharged per hour shall be determined by interpolation.

When the process weight exceeds 60,000 pounds per hour, the maximum allowable weight discharged per hour will be determined by use of the following equation:

$$E = 55.0\ P^{0.11} - 40$$

Where E = Maximum rate of emission in pounds per hour --
P = Process weight rate in tons per hour.

TABLE I

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
lb/hr	Tons/hr	lb/hr	lb/hr	Tons/hr	lb/hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

* Stipulation for compliance between the Department of Health and Environmental Sciences and CENEX and a number of other companies. See NonRegulatory Section Federal Register Publication date 9/6/79.

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation:

$$E = 4.10\ P^{0.67}$$

Interpolation and extrapolation of the data for process weight rates in excess of 60,000 pounds per hour shall be accomplished by use of the equation:

$$E = 55.0\ P^{0.11} - 40$$

Where E = rate of emission in pounds per hour and P = process weight rate in tons per hour.

(2) This rule shall not apply to particulate matter emitted from:

(a) the reduction cells of a primary aluminum reduction plant,

(b) those new stationary sources listed in IMAC 16-2.14(1)-S14082 for which a particulate emission standard has been promulgated,

(c) fuel burning equipment,

(d) incinerators.

16-2.14(1)-S1440 PARTICULATE MATTER, AIRBORNE

(1) No person shall cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of airborne particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20 percent or greater averaged over six consecutive minutes, except for emission of airborne particulate matter originating from any transfer ladle or operation engaged in the transfer of molten metal which was installed or operating prior to November 23, 1968.

(2) No person shall cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

(3) No person shall operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20 percent or greater averaged over six consecutive minutes.

(4) Within any area designated non-attainment for either the primary or secondary national ambient air quality standards (NAAQS) for total suspended particulate (TSP), any person who owns or operates:

(a) any existing source of airborne particulate matter shall apply reasonably available control technology (RACT);

(b) any new source of airborne particulate matter that has a potential to emit less than 100 tons per year of particulates shall apply best available control technology (BACT);

(c) any new source of airborne particulate matter that has a potential to emit more than 100 tons per year of particulates shall apply lowest achievable emission rate (LAER).

(5) The provisions of this rule shall not apply to emissions of airborne particulate matter originating from any activity or equipment associated with the use of agricultural land or the planting, production, harvesting, or storage of agricultural crops (this exemption does not apply to the processing of agricultural products by a commercial business).

(6) Definitions. For purposes of this rule, the following definitions apply:

(a) "Airborne particulate matter" means any particulate matter discharged into the outdoor atmosphere which is not discharged from the normal exit of a stack or chimney for which a source test can be performed in accordance with Method 5 (determination of particulate emissions from stationary sources), Appendix A, Part 60.275 (Test Method and Procedures), Title 40, Code of Federal Regulations (Revised July 1, 1977).

(b) "Reasonable precautions" means any reasonable measure to control emissions of airborne particulate matter. Determination of what is reasonable shall be accomplished on a case-by-case basis taking into account energy, environmental, economic, and other costs.

(c) "Reasonably available control technology (RACT)" means a limitation of emissions from any source that is de-

termined on a case-by-case basis to be reasonably available, taking into account energy, environmental, and economic impacts and other costs. Such an emission limitation shall only be required after consideration of the necessity of imposing such a limitation in order to attain and maintain a national ambient air quality standard (NAAQS) and alternative means of providing for attainment and maintenance of such a NAAQS.

(d) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the Federal Clean Air Act as amended August 7, 1977, or the Montana Clean Air Act which would be emitted from any proposed stationary source or modification which the department, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such contaminant. In no event shall application of the best available control technology result in emission of any contaminant which would exceed the emissions allowed by the applicable standard under 40 CFR Part 60 and 61. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may istead prescribe a design, equipment, work practice or operational standard or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(e) "Lowest achievable emission rate (LAER)" means for any source, that rate of emissions which reflects:

(i) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or

(ii) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source standards of performance under 40 CFR Part 60 and Part 61. (History: Sec. 75-2-203, MCA; Eff. 12/31/72); AMD, 1979 MAR p. 145; Eff. 2/16/79.)

FIGURE 1

MAXIMUM EMISSION OF PARTICULATE MATTER
FROM NEW FUEL BURNING INSTALLATIONS

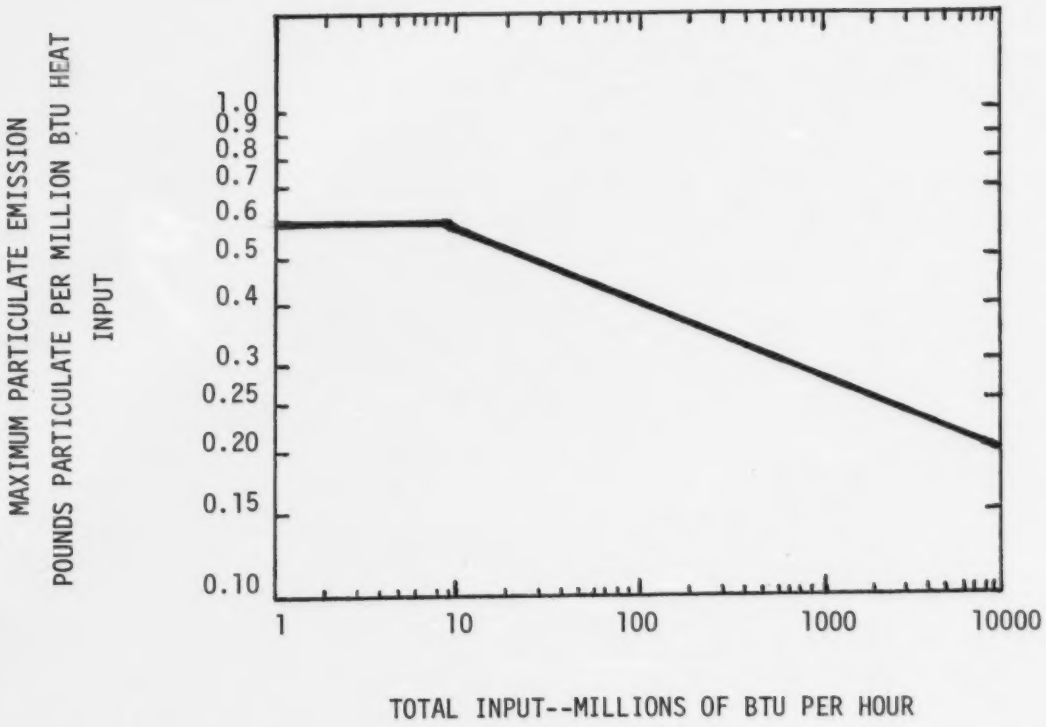
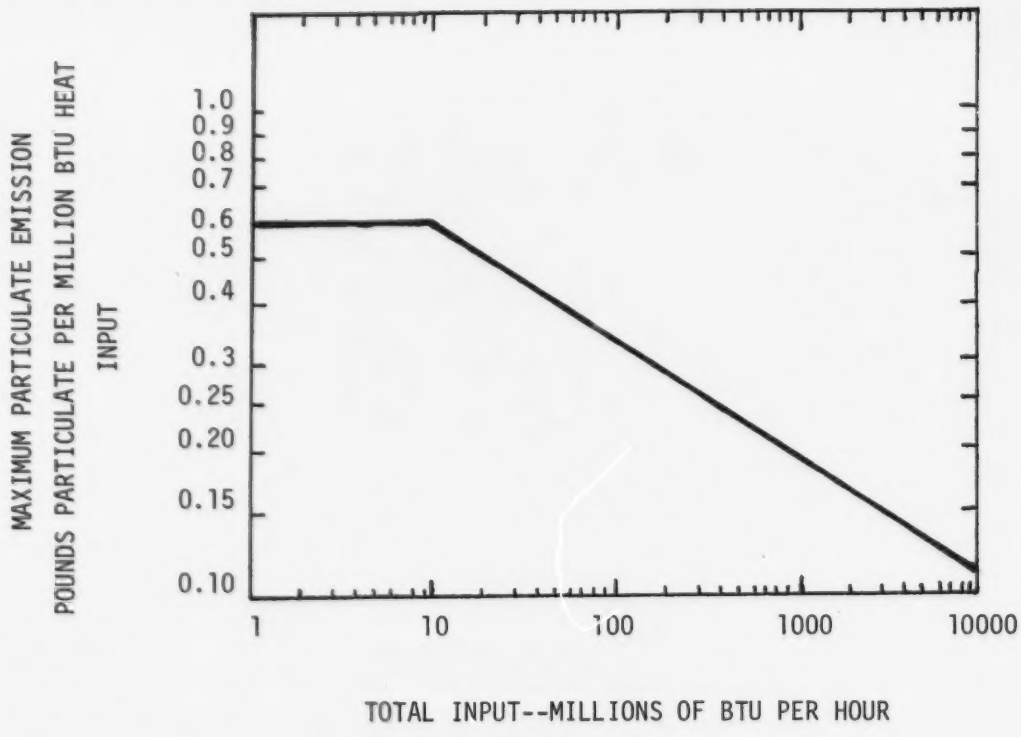


FIGURE 2

MAXIMUM EMISSION OF PARTICULATE MATTER
FROM EXISTING FUEL BURNING INSTALLATIONS



(51.5)

16-2.14(1)-S1450* PARTICULATE MATTER FROM FUEL BURNING EQUIPMENT

(1) No person shall cause, suffer, allow or permit particulate matter caused by the combustion of fuel to be discharged from any stack or chimney into the atmosphere in excess of the hourly rate set forth in the following table:

Heat Input in Million British Thermal Units per hour	Maximum Allowable Emmissions of Particulate Matter in Pounds per Million British Thermal Units	
	Existing Fuel Burning Equipment	New Fuel Burning Equipment
Up to and including 10	0.60	0.60
100	0.40	0.35
1,000	0.28	0.20
10,000 and above	0.19	0.12

(2) For a heat input between any two consecutive heat inputs stated in the preceding table, maximum allowable emissions of particulate matter are shown for existing fuel burning equipment on Figure 1 and for new fuel burning equipment on Figure 2. For the purposes hereof, heat input shall be calculated as the aggregate heat content of all fuels (using the upper limit of their range of heating value) whose products of combustion pass through the stack or chimney.

When a single fuel burning unit is connected to two or more stacks, the allowable emission from all the stacks combined shall not exceed that allowable for the same unit connected to a single stack.

* Stipulation for compliance entered between the Department of Health and Environmental Sciences, and CENEX and a number of other companies. See NonRegulatory Section Federal Register Publication date 9/6/79.

16-2.14(1)-S1460 VISIBLE AIR CONTAMINANTS, RESTRICTIONS

(1) No person shall cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed on or before November 23, 1968, which exhibit an opacity of forty percent (40%) or greater averaged over six (6) consecutive minutes. The provisions of this section shall not apply to transfer of molten metals or emissions from transfer ladles.

(2) No person shall cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, which exhibits an opacity of twenty percent (20%) or greater averaged over six (6) consecutive minutes.

(3) During the building of new fires, cleaning of grates, or soot blowing, the provisions of sections (1) and (2) shall apply, except that a maximum average opacity of sixty percent (60%) shall be permissible for not more than one (1) four-minute period in any sixty (60) consecutive minutes. Such a four-minute period shall mean any four (4) consecutive minutes.

(4) This rule shall not apply to emissions from:

(a) Wood-waste burners,

(b) Incinerators,

(c) Motor vehicles,

(d) Those new stationary sources listed in ARM 16-2.14(1)-S14082 for which a visible emission standard has been promulgated. (History: Sec. 75-2-203, MCA; Eff. 12/31/72; AMD, 1978 MAR p.1727; Eff. 12/29/78.)

16-2.14(1)-S1470* SULFUR OXIDE EMISSIONS

(1) Regulation of Sulfur in Fuel.

(a) Commencing July 1, 1970, no person shall burn liquid or solid fuels containing sulfur in excess or two pounds of sulfur per million Btu fired.

(b) Commencing July 1, 1971, no person shall burn liquid or solid fuels containing sulfur in excess of 1.5 pounds of sulfur per million Btu fired.

(c) Commencing July 1, 1970, no person shall burn liquid or solid fuels containing sulfur in excess of one pound of sulfur per million Btu fired.

(d) Commencing July 1, 1971, no person shall burn any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions. The provisions of Section (4) shall not apply to:

(i) The burning of sulfur, hydrogen sulfide, acid sludge other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

(ii) The incinerating of waste gases provided that the gross heating value of such gases is less than 300 Btu's per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this rule.

(iii) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

(iv) Small refineries (under 10,000 barrels per day crude oil charge) provided that they meet other provisions of this rule.

(c) Exceptions:

(i) A permit may be granted by the director to burn fuels containing sulfur in excess of the sulfur contents indicated in Section (1) provided it can be shown that the facility burning the fuel is fired at a rate of one million Btu per hour or less.

(ii) For purpose of Section (1), a higher sulfur-containing fuel may, upon application ot the director, be utilized in subsections (a), (b) or (c) if such fuel is mixed with one or more lower sulfur-containing fuels which results in a mixture, the equivalent sulfur content of which is not in excess of the stated values when fired.

(iii) The requirements of subsections (a), (b) or (c) of Section (1) shall also be deemed to have been satisfied if, upon application to the director, a sulfur dioxide control process is applied to remove the sulfur dioxide from the gases emitted by burning of fuel of any sulfur content which results in an emission of sulfur in pounds per hour not in excess of the pounds per hour of sulfur that would have been emitted by burning fuel of the sulfur content indicated without such a cleaning device.

(6) Definition:

"Btu" means British thermal unit which is the heat required to raise the temperature of one pound of water through one Fahrenheit degree.

* Stipulation for compliance entered between the Dept. of Health and Environmental Sciences, and CENEX and a number of other companies. See NonRegulatory Section Federal Register Publication date 9/6/79.

16-2.14(1)-S1480 ODORS, CONTROL OF (1) No person shall cause, suffer, or allow any emissions of gases, vapors, or odors beyond his property line in such manner as to create a public nuisance.

(2) A person operating any business or using any machine, equipment, device or facility or process which discharges into the outdoor air any odorous matter or vapors, gases, dusts, or any combination thereof which create odors, shall provide, properly install, and maintain in good working order and in operation such odor control devices or procedures as may be specified by the administrator.

No person shall operate any business or use any such machine, equipment, device or facility in such manner as to create a public nuisance.

(3) Odor producing materials shall be so stored and handled that odors produced thereby do not create a public nuisance. No person shall accumulate such quantities of such materials as to permit spillage or other escape.

Odor bearing gases, vapors, fumes, or dusts arising from materials in process shall be so confined at the point of origin as to prevent liberation of odorous matter. Confined gases, vapors, fumes, or dusts shall be treated before discharge to the atmosphere as required in Section (2).

(4) Whenever dust, fumes, gases, mist, odorous matter, vapors, or any combination there of escape so as to cause a public nuisance, the administrator may order that a building or buildings in which processing, handling, and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne materials leaving the building are treated by incineration or other effective means for removal or destruction of odorous matter or other contaminants before discharge into the open air.

(5) No person shall operate or use any machine, equipment, device or facility for the reduction of animal matter unless all gases, vapors, and gas-entrained effluents from such facility are incinerated at a temperature of not less than 1200 Fahrenheit for a period of not less than 0.3 seconds, or processed in such manner as determined by the administrator to be equally or more effective for the purpose of air pollution control.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in good working order and in operation, devices as specified by the administrator for indicating temperatures, pressure or other operating conditions.

16-2.14(1)-S1490 OPEN BURNING RESTRICTIONS (1) Except as specified in subsection (2), no person shall cause, suffer or allow an open outdoor fire unless an air quality permit has been obtained, and further provided that the fire authority for the area of the burn shall be notified of intent to burn giving location, time and material to be burned and that proper fire safety directions given by the fire authority be complied with. A burning permit is required from the responsible fire control agency during the closed or extended fire season (May 1 — September 30 or as extended pursuant to Section 28-103 and 28-603, R.C.M. 1947). Reasonable precautions shall be taken to keep the area of the burn within the confines for which the permit was given. Reasonable measures shall be taken to eliminate smoke when the purpose for which the fire was set has been accomplished. A permit shall be allowed only under the following conditions:

(a) When such fire is set or permission for such fire is given in the performance of the official duty of the responsible fire control officer:

(i) for the purpose of the elimination of a fire hazard which cannot be eliminated by any other means;

(ii) for instruction in methods of fighting fires, provided the material burned shall not be allowed to smolder after the initial burn has been completed. Facilities to put the fire completely out shall be on hand and used by the responsible fire control officer until all smoldering has ceased. The responsible fire control officer shall not leave the scene of the burn until all smoking debris has been clearly extinguished and no smoking or smoldering occurs.

(b) When such fire is set in the course of an essential agricultural operation in the growing of crops or in the course of accepted forestry practices, provided no public nuisance is created.

(c) When fires are set for a clearing of land for new roads, power lines, subdivisions, dams and other similar projects and no public nuisance is created.

(d) When materials to be burned originate on an individual's premises, excluding commercial, industrial and institutional establishments, where no provision is available by private hauler providing a public service or a tax supported service for collection of the material to be burned and no public nuisance is created.

(2) An air quality permit is not required under the following conditions:

(a) When small fires are used for outdoor cooking and other recreational purposes and no public nuisance is created.

(b) When salamanders or other devices are used for heating by construction or other workers and no public nuisance is created and provided no tires, or oily rags, or other materials producing dense smoke are burned.

(c) When in a county without a local air pollution control program pursuant to Section 69-3919, R.C.M. 1947, an open burning control officer designated by the county commissioners of any county publicly announces that, on a given day and time approved by the department, open burning will be permitted without an air quality permit. All other provisions of the open burning rule shall remain in effect.

(3) For purposes of essential agricultural or forestry burning:

(a) Reasonable precautions shall be taken to initiate and complete all burning under this rule during periods of good ventilation.

(b) Materials to be burned should be in a dirt-free condition.

(c) All reasonable measures shall be taken to extinguish any burning under this rule which is creating a public nuisance.

(4) For the purpose of disposing of nonagricultural nonforestry related wastes:

(a) An air quality control officer may require that alternate methods to open burning be practiced. The alternate method may be specified in the permit.

(b) No person shall cause, suffer, allow, or permit an open fire for the purpose of conducting a salvage operation.

(i) Persons conducting salvage operations when cutting torches or other procedures are employed that may cause a fire shall provide adequate fire control facilities at the site.

(c) No person shall cause, suffer, allow, or permit the disposal of trade waste by open burning, except that the department may permit such burning in a device or devices equivalent to an air curtain destructor, air swift pit incinerator or a similar device which can be demonstrated to emit smoke not darker than one Ringelmann or of equivalent opacity. The operator of such devices or system must show adequate knowledge of the procedure to assure correct starting, operation, and ending of the burn; not create a public nuisance or fire hazard; and must have applied for and received a permit from the department to construct and operate the destructor or pit.

(d) Reasonable precautions shall be taken to prevent ashes, soot, cinders, dust, or other particulate matter or odors incidental to burning from extending beyond the property line of the person allowed to burn under this rule.

(e) Chicken litter, animal droppings, garbage, dead animals or parts of dead animals, tires, pathogenic wastes, explosives, oil, railroad ties, tarpaper, or toxic wastes shall not be disposed of by open burning.

(f) Reasonable precautions shall be taken to initiate and complete all burning under this rule during periods of good ventilation.

(g) All reasonable measures shall be taken to extinguish any burning under this rule which is creating a public nuisance.

(h) Reasonable precautions shall be taken to prepare and store all material to be burned under this rule in a clean, dry condition.

(5) Emergency open burning permits. The department may issue an emergency open burning permit to allow burning of substances not otherwise approved for burning under this rule if certain conditions exist. Before the department shall issue such a permit it must be satisfied that the applicant has demonstrated that the substance sought to be burned poses an immediate threat to public health and safety, or plant an animal life for which no other alternative is reasonably available.

Application for such a permit may be made to the department by telephone. Upon completion of the burn, the recipient of the emergency open burning permit shall provide the department with a written report of the burn. It shall discuss why alternative methods of disposing of the substance were not reasonably available; why the substance posed an immediate threat to human health and safety or plant and animal life; the legal description of where the burn occurred; the amount of material burned; and the date and time of the burn.

The department will issue emergency open burning permits for disposing of oil from oil field sludge pits under this section if the above procedures are met. After July 1, 1980, such burning will be prohibited. Owners and operators of oil fields with sludge pits shall submit to the department by January 1, 1979, a plan which provides for their disposing of oil wastes from sludge pits by alternative methods other than burning not later than July 1, 1980. (History: Sec. 69-3909, 69-3913, R.C.M. 1947; Eff. 12/31/72; AMD, 1977 MAR p. 259; Eff. 8/26/77; AMD, 1978 MAR p. 318; Eff. 8/11/78.)

16-2.14(1)-S14000 MALFUNCTION OF AN INSTALLATION

(1) When a malfunction in any installation occurs that can be expected to increase the emissions, and to continue for a period greater than 8 hours, the person shall notify the Director or the Department by telephone. On receipt of this notification, the Director or the Department may permit the continuance of the operation for a period not to exceed 10 days provided that written application is made to the Director or the Department. Such application shall be made within 24 hours of the malfunction or within such other time period as the Director or Department may specify. In cases of major equipment failure, additional time period may be granted by the Director provided a corrective program has been submitted by the person and approved by the Director.

16-2.14(1)-S14010 CIRCUMVENTION

(1) No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air comtaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

(2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

16-2.14(1)-S14020 CONTROL OF AIR POLLUTION IN MOTOR VEHICLES

(1) No person shall intentionally remove, alter or otherwise render inoperative exhaust emission control, crankcase ventilation or any other air pollution control device which has been installed as a requirement of Federal law or regulation.

(2) No person shall operate a motor vehicle originally equipped with air pollution control devices as required by Federal law or regulation unless such devices are in place and in operating condition.

16-2.14(1)-S14030 WOOD WASTE BURNERS (1) Construction, reconstruction, or substantial alteration of wood-waste burners is prohibited unless the requirements of the permit rule, ARM 16-2.14(1)-S1415, have been met.

(2) No person shall cause or authorize to be discharged into the outdoor atmosphere from any wood-waste burner any emissions which exhibit an opacity of twenty percent (20%) or greater averaged over six (6) consecutive minutes.

(3) No person shall cause or authorize to be discharged into the outdoor atmosphere from any wood-waste burner particulate matter in excess of 0.1 grains per standard cubic foot corrected to twelve percent (12%) CO_2.

(4) A thermocouple and a recording pyrometer or other temperature measurement and recording device approved by the department shall be installed and maintained on each wood-waste burner. The thermocouple shall be installed at a location six (6) inches above and near the center of the horizontal screen or at another location approved by the department.

(5) A daily written log of the wood-waste burner's operation shall be maintained by the owner or operator to determine optimum patterns of operations for various fuel and atmospheric conditions. The log shall include, but not be limited to, the time of day, draft settings, exit gas temperature, type of fuel, and atmospheric conditions. The log or a copy of it shall be submitted to the department within ten (10) days after it is requested.

(6) No person shall use a wood-waste burner for the burning of other than production process wood-waste transported to the burner by continuous flow conveying methods.

(7) Rubber products, asphaltic materials, or materials which cause dense smoke discharge shall not be burned or disposed of in wood-waste burners.

(8) Exception: For building of fires in wood-waste burners, the provisions of sections (2) and (3) of this rule may be exceeded for not more than sixty (60) minutes in eight (8) hours. (History. Sec. 75-2-203, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 1732; Eff. 12/29/79.)

16-2.14(1)-S14040 AMBIENT AIR QUALITY STANDARDS

(1) In accordance with Section 6, Subsection 12 of the Clean Air Act of Montana (House Bill 8 - 1967), on May 27, 1967 the Montana State Board of Health adopted the Ambient Air Quality Standards shown below.

(2) Until additional pertinent information becomes available with respect to the effects of the substances listed below, the following air quality criteria shall apply in Montana.

Pollutants	Standards (Maximum permissible concentrations)
Sulfur dioxide[a]	0.02 ppm, maximum annual average 0.10 ppm, 24-hour average, not be exceeded over 1 percent of the days in any 3-month period 0.25 ppm not to be exceeded for more than one hour in any 4 consecutive days
Reactive sulfur (sulfation)[b]	0.25 milligram sulfur trioxide per 100 square centimeters per day, maximum annual average 0.50 milligram sulfur trioxide per 100 square centimeters per day, maximum for any 1-month period
Suspended sulfate[c]	4 micrograms per cubic meter of air, maximum allowable annual average 12 micrograms per cubic meter of air, not to be exceeded over 1 percent of the time
Sulfuric acid mist[d]	4 micrograms per cubic meter of air, maximum allowable annual average 12 micrograms per cubic meter of air, not to be exceeded over 1 percent of the time 30 micrograms per cubic meter of air, hourly average, not to be exceeded over 1 percent of the time
Hydrogen sulfide[e]	0.03 ppm, 1/2-hour average, not to be exceeded more than twice in any 5 consecutive days 0.05 ppm, 1/2-hour average, not to be exceeded over twice a year

Pollutants	Standards (Maximum permissible concentrations)
Total Suspended Particulate[f]	75 micrograms per cubic meter of air, annual geometric mean 200 micrograms per cubic meter of air, not to be exceeded more than 1 percent of days a day
Settled particulate (Dustfall)[g]	15 tons per square mile per month, 3-month average in residential areas 30 tons per square mile per month, 3-month average in heavy industrial areas
Lead[h]	5.0 micrograms per cubic meter of air, 30-day average
Beryllium[i]	0.01 micrograms per cubic meter of air, 30-day average
Fluorides, total (as HF) in air[j]	1 part per billion parts of air, 24-hour average
Fluorides (as F) in forage[k] for animal consumption-dry weight basis	35 parts per million
Fluorides (gaseous)[l]	0.3 micrograms per square centimeter per 28 days

a Sulfur dioxide measured by West-Gaeke or conductometric method.
b Sulfation measured by lead-peroxide candle.
c Suspended sulfate measured by high volume sampler - turbidmetric procedure.
d Sulfuric acid mist - Air Pollution Control District, County of Los Angeles - APCD - Sulfuric acid 13-49.
e Hydrogen sulfide measured by methylene blue method - Lead acetate tape for screening and monitoring.
f Suspended particulate measured by high-volume sampler.
g Dustfall measured by container open to atmosphere.
h Suspended lead measured by high-volume sampler - dithizone and/or spectrophotometric procedures.
i Suspended beryllium measured by high-volume sampler - fluorometric and/or spectrophotometric method.
j Total fluoride measured by impingers - Winter-Willard distillation procedure (SPADNS color).
k Forage cut, dried, ashed and subjected to Winter-Willard distallation procedure (SPADNS color).
l Gaseous fluorides measured by calcium formate paper technique in Montana State Board of Health standard shelter - Winter-Willard distillation procedure (SPADNS color).

The ambient air quality standards listed describe a level of air quality designed to protect people from the adverse effects of air pollution; and they are intended further to promote maximum comfort and enjoyment in use of property consistent with economic and social well-being of the community.

Ambient air quality standards are used as a tool in achieving cleaner air, not as a license to permit unnecessary degradation of air quality which would thwart attainment of the long-range goal to maintain a reasonable degree of air purity.

These standards are not intended to represent the ultimate in air quality achievement. It is anticipated that research and development will gradually make possible cleaner air at lower cost. As evidence accumulates on deleterious effect of the contaminant, present objectives will be revised or additional standards established. The standards are designed to protect the health, welfare and comfort of the public and to minimize economic losses.

Because some pollutants combine chemically to form more harmful materials than the original emissions, ascribing a single effect to a single pollutant would be an erroneous over-simplification. The standards, therefore, apply to air containing a variety of pollutants. Although reaching the goals will result in benefits, no allowance for the time needed to achieve them was considered in their selection. They are intended to apply to areas where people live or where an adverse effect may occur.

The Board, in adopting these standards, intends them to goals and guidelines and so interprets the legislative intent of the word "standards" in Section 693909 of the Clean Air Act of Montana.

(3) The sampling and analytical procedures employed to measure ambient levels of contaminants are to be consistent with obtaining accurate results which are representative of the conditions being evaluated. The sampling and analytical techniques enumerated may be used directly or employed as reference standards against which other methods may be calibrated.

16-2.14(1)-S14041 PROCEDURES FOR HEARINGS ON PROPOSED AMBIENT AIR QUALITY STANDARDS The following procedures shall be followed with respect to the hearings before the Board of Health and Environmental Sciences and its presiding officer for the establishment of ambient air quality standards in the State of Montana:

(1) The testimony of interested parties shall be prefiled within thirty (30) days after the date of mailing of the final environmental impact statement, with copies going to all parties on the service list. Thereafter, within forty-nine (49) days all responses thereto shall be prefiled with the Board or its presiding officer. The prefiling of direct testimony and response testimony applies to both expert witnesses and policy witnesses, if any.

The opening statements of the direct testimony or responses thereto must contain a description of the witnesses' qualifications. The description of qualifications shall include but not be limited to the following:

(a) Educational background and experience;

(b) Description of any post-graduate training and professional career since graduation;

(c) Identification of pertinent publications authored by the witness; and

(d) A disclosure of group representation, if any.

(2) Rebuttal statements to responses, to opening statements and to any testimony presented by the parties or expert witnesses at public hearing must be filed within forty-five (45) days after the date upon which the public hearings are closed.

(3) All statements must be made under oath.

(4) Cross-examination shall not be permitted except by the presiding officer or any Board member.

(5) Witnesses and parties with prefiled opening statements or responses shall be subject to the call of the presiding officer or the Board to attend any public hearing for questioning by the presiding Officer or Board members.

(6) A schedule for the appearance of any such witness will be prepared by the presiding officer or the Board which will identify each witness and the party that he represents; and the date upon which said witness is expected to appear for questioning. Copies of such schedule will be provided all names on the service list.

(7) Even though all expert witnesses are required to prefile their statements and/or responses to opening statements, it shall not be a requirement that a party or expert witness shall have filed opening statements in order to file a response to opening statements. All parties or experts witnesses who have filed opening statements or responses to opening statements shall be entitled to file rebuttal statements as hereinabove provided.

16-2.14(1)-S14050* TESTING REQUIRED, FACILITIES

(1) Any person or persons responsible for the emission of air contaminants into the outdoor atmosphere shall upon written request of the director provide the facilities and necessary equipment including instruments and sensing devices and shall conduct tests using methods approved by the director. Such tests shall include, but not be limited to, a determination of the nature, extent, quantity and degree of air contaminants which are or may be emitted as a result of such operation at all sampling points designated by the director and the date shall be recorded in a permanent log at least once each hour, if applicable. These data shall be maintained for a period of not less than one year and shall be available for review by the department. Such testing and sampling facilities may be either permanent or temporary at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction or safe practice.

* Stipulation for compliance entered between the Department of Health and Environmental Sciences, and CENEX and a number of other companies. See NonRegulatory Section Federal Register Publication date 9/6/79.

(8) Rules of discovery shall not be applicable to these proceedings. Discovery among the parties or expert witnesses shall not be permitted. The order of contaminant or pollutant will be addressed at the public hearings as follows: Sulfur dioxide (SO^2), total suspended particulates (TSP), fluorides (FL), urban pollutants, heavy metals and hydrogen sulfide (H^2S)

(9) A period for public comment will be set aside at the end of all testimony. The public is entitled to attend any and all sessions. The presiding officer will be authorized to take public testimony at his discretion if there is jusification therefor.

(10) The Notice of Hearing shall require that a service list containing all parties be provided.

(11) Written testimony shall be accompanied by a summary of its subject matter, approximately 100 words in length. (History: Sec. 75-2-111, 75-2-202, MCA; NEW, 1978 MAR p. 1459; Eff. 1/26/79; AMD, 1979 MAR p. 319 ; Eff. 3/30/79.)

16-2.14(1)-S14060 FLUORIDE EMISSIONS, RESTRICTIONS

(1) No person shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any phosphate rock or phosphorite processing equipment or equipment used in the production of elemental phosphorous, enriched phosphates, phosphoric acid, defluorinated phosphates, phosphate fertilizers or phosphate concentrates or any equipment used in the processing of fluorides enriched wastewater fluorides in a gaseous or particulate form or any combination of gaseous or particulate forms in excess of 0.3 pounds per ton of P_2O_5 (phosphorous pentoxide) introduced into the process of calcining, nodulizing, defluorinating or acidulating process or any combination of the foregoing, or any other process, except aluminum reduction, capable of causing a release of fluorides in the form or forms indicated in this section.

(2) Pond Emissions:

(a) No person or persons shall cause, suffer, allow or permit to be released into the outdoor atmosphere from any storage pond, settling basin, ditch, liquid holding tank or other liquid holding or conveying device from operations outlined in Section (1) fluorides in excess of 108 micrograms per square centimeter per 28 days ($ug/cm^2/28$ days) using the calcium formate paper method. Papers shall be exposed in a standard Montana Box located not less than 18 inches or more than 48 inches above the level of the liquid in the devices herein enumerated and not more than 16 inches laterally from the liquid's edge. Other locations may be permitted if approved by the director.

(b) Not less than four such sampling stations shall be placed at locations designated by the director. Two or more calcium formate papers, as designated by the director, shall be exposed in the standard Montana Box for a period designated by the director. Regardless of the duration of the sampling period, the values determined shall be corrected to 28 days.

(c) A minimum of two calcium formate papers for each sampling period from each sample box shall be provided the director if requested and within ten days from the date of request.

(3) Preparation, Exposure and Analysis:

(a) Preparation of calcium formate papers:

(i) Soak Whatman #2, 11 cm. filter papers in a 10 percent solution of calcium formate for five minutes.

(ii) Dry in a forced air oven at 80 C. Remove immediately when dryness is reached.

(b) Exposure of calcium formate papers:

(i) Two papers, or more, if directed, are suspended in a standard Montana Box on separate hangers at least two inches apart.

(ii) Exposure shall be for 28 days $\pm$ 3 days unless otherwise indicated by the director.

(iii) Calcium formate papers shall be kept in an airtight container both before and after exposure until the time of analysis

(c) Analysis of calcium formate papers is adapted from Standard Methods for the Examination of Water and Waste Water; using Willard-Winter perchloric acid distillations and Spadns-Zirconium Lake method for fluoride determination.

16-2.14(1)-S14070 PETROLEUM PRODUCTS, EXISTING STORAGE

(1) No person shall place, store or hold in any stationary tank, reservoir or other container of more than 65,000 gallons capacity any crude oil, gasoline or petroleum distillate having a vapor pressure of 2.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals to close space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 13.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency provided such equipment has been approved by the administrator.

(2) No person shall use any compartment of any single or multiple compartment oil-effluent water separator which compartment receives effluent water containing 200 gallons a day or more of any petroleum product from any equipment processing, refining, treating, storing or handling kerosene or other petroleum product of equal or greater volatility than kerosene, unless such compartment is equipped with one of the following vapor loss control devices, constructed so as to prevent any emission of hydrocarbon vapors to the atmosphere, properly installed, in good working order and in operation.

(a) A solid cover with all openings sealed and totally enclosing the liquid contents. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and containment wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging

and sampling devices gas-tight except when gauging or sampling is taking place.

(d) Other equipment of equal efficiency provided such equipment has been approved by the administrator.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil.

(3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device as described in Section (1) of this rule, or is a pressure tank as described in Section (1) of this rule.

The provisions of the first paragraph of this subsection shall not apply to the loading of gasoline into any tank having a capacity of 2,000 gallons or less, which was installed prior to June 30, 1971 nor any underground tank installed prior to June 30, 1971 where the fill line between the fill connection and tank is offset.

A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in the first paragraph of this subsection.

(4) The provisions of this rule do not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

(5) Existing refineries normally processing less than 7,000 barrels per day of crude oil charge shall be exempt from the provisions of this rule.

(6) Refineries normally processing 7,000 barrels per day or more of crude oil charge shall comply with Section (1) of this rule by January 1, 1977.

(7) Facilities used exclusively for the production of crude oil shall be exempt from this rule.

16-2.14(1)-S14080 ALUMINUM PLANTS, FLUORIDE AND PARTICULATE EMISSIONS (1) No person or persons shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any primary aluminum reduction plant, aluminum smelter or aluminum manufacturing plant either in a gaseous or particulate form fluorides in excess of 0.060 pounds per hour per reduction cell commonly called a "pot". For operations producing aluminum at an annual rate of more than 20,000 tons, the combined emission of fluorides into the outdoor atmosphere from all pots regardless of the number shall not exceed 40.0 pounds per hour.

(2) Unless the gaseous portion of the fluorides emitted at any fluorides emission point is more than 50% of the total fluorides emitted, the results of sampling may be reported on a total fluoride basis. Sampling under such circumstances may be done without differentiation between gaseous and particulate phases of the emissions but all emitted fluorides must be collected as completely as possible.

Each existing plant to which this rule applies shall submit to the administrator a detailed monitoring program including, but not limited to, the following:

(a) A description of monitoring equipment and procedures capable of determining compliance with this rule.

(b) A description of the sources to be monitored which shall include the stack of any fluoride scrubber or any fluoride or particulate emission control device or emission point at the pots or pot rooms.

(i) Unless otherwise authorized by the administrator, data for each calendar month shall be reported by each plant not later than fifteen days after the end of each calendar month.

(ii) The data submitted must include the average daily emission of fluorides, as total fluorides, expressed in pounds per hour per operating pot. A pot must operate at least 75% of the time during the reporting period to qualify as an operating pot.

(iii) The number of pots operating during the reporting period must be reported.

(c) Within thirty days after approval of the detailed monitoring program by the administrator, the approved equipment shall be ordered by the plant. Within thirty days after receipt of the approved equipment from the vendor, the equipment shall be installed and operating. Reporting of the results shall begin as provided for in Section (2) at the end of the calendar month in which the monitoring equipment is installed and each month thereafter as indicated.

Each plant shall furnish, upon request of the administrator, such other pertinent data as may be required to evaluate the plant's emission control program.

(3) No person or persons shall cause, suffer, allow or permit to be discharged into the outdoor atmosphere from any primary aluminum reduction plant emissions of particulate matter in excess of 0.33 pounds per hour per reduction cell, or 9.4 pounds per ton of aluminum produced per 24 hours, whichever is the lesser.

* Compliance schedule for Anaconda Aluminum, for their plant at Columbia Falls. See NonRegulatory Section 3/4/80 Federal Register Publication Date.

(4) No owner or operator of any primary aluminum reduction plant or aluminum smelter subject to the provisions of Section (3) of this rule shall operate such facility unless all particulate matter emitted from such facility is collected by an exhaust gas system and treated in such manner as to comply with Section (3) of this rule prior to venting to the atmosphere. The height of emissions release shall reflect good engineering practices.

(5)(a) The test methods and procedures used to determine compliance with section (3) of this rule are set forth below. The methods referenced by number are contained in the appendix to Part 60 of Chapter 1 of Title 40, "Code of Federal Regulations." Equivalent methods and procedures may be used if approved in advance by the administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using Method 5. Traversing during sampling Method 5 shall be according to Method 1. The minimum sampling time for each repetition shall be four hours and the minimum sampling volume shall be 120 $ft.^3$ ($3.4m^3$) corrected to standard conditions on a dry basis. The total sampling time shall be at least 24 hours.

(ii) The volumetric flow rate of the total effluent shall be determined by using Method 2. Gas analysis shall be performed by using the integrated sample technique of Method 3, and moisture content shall be determined by the condensor technique of Method 4.

(b) All primary and secondary emission testing shall be conducted while the associated pot rooms are operating at conditions representative of normal operation, and shall operate under such other relevant conditions as the administrator shall specify.

(c) The owner or operation of a primary aluminum reduction plant subject to this rule shall not later than January 31, 1976, and not less than six months prior to the certification date provided for in the compliance schedule for the above-captioned rule (subsection (1) (a) (v)) submit to the administrator for approval a detailed monitoring program including but not limited to the following:

(i) A description of the emissions monitoring equipment and procedures capable of determining compliance with Section (3) of this rule, and

(ii) The emission sampling frequency.

(d) Within thirty days after approval of the detailed monitoring program by the administrator, the approved equipment shall be ordered. Within thirty days after receipt of the approved equipment from the vendor, the equipment shall be installed and operated. The administrator shall be notified not later than thirty days after the requirements of this paragraph have been met.

(e) The following information shall be submitted to the administrator not later than thirty days after the end of each calendar month commencing with the first full month after the monitoring equipment has been installed.

(i) Primary and secondary emissions of particulate matter and total fluoride emission rates (reduced to the units of the applicable standards) recorded during the month.

(ii) Calculations supporting the data.

(iii) For each month the total elapsed time (hours) each system did not achieve at least 75% of the designed collection efficiency;

(iv) For each month, a written report of excess emissions resulting from malfunctions. The report shall include the magnitude of excess emissions (reduced to the units of the applicable standard), as measured by monitoring equipment or estimated, and the total elapsed time of excess emissions (hours). The nature and cause of any malfunction (if known), the corrective action taken and preventive measures adopted shall be reported.

(v) Such other pertinent data as may be required by the administrator to evaluate the facility's emission control program.

(6) Definitions:

"Aluminum manufacturing" means the reduction of alumina (aluminum oxide) to aluminum.

"Aluminum produced" is the amount of aluminum drawn from a pot or pots.

"Effluent" means emissions.

"Emissions" means all matter which enters the atmosphere in any form.

"Exhaust gas system" means any equipment or combination of equipment such as fans, ducts, hoods, or ventilators, used to draw off ventilation air (including air pollutants), either through natural or forced draft.

"Malfunction" means any sudden and unavoidable failure of air pollution control equipment. Failure to provide routine maintenance shall render a failure of control equipment avoidable.

"Plant" means primary reduction plant.

A "pot" is a reduction cell.

A "pot room" is a large building or room which houses up to several hundred pots or reduction cells.

"Pounds per hour" means the total number of effluent emitted in an hour from the plant.

"Pounds per hour per reduction cell" can be computed by dividing pounds of daily effluent by the product of 24 times the total number of reduction cells operated that day.

"Primary emissions" are those which are drawn from the pots and do not become part of the ambient air within a pot room.

A "reduction cell" is a shallow carbon-lined steel vessel (cathode) containing molten cryolite and aluminum into which is suspended a carbon anode.

"Secondary emissions" are all emissions other than primary emissions.

"Smelter" means primary reduction plant.

16-2.14(1)-S14082 STANDARD OF PERFORMANCE FOR NEW STATIONARY SOURCES (1) This rule shall apply to the following new stationary sources: fossil fuel-fired steam generators, incinerators, portland cement plants, nitric acid plants, sulfuric acid plants, asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, sewage treatment plants, primary copper smelters, primary lead smelters, primary zinc smelters, primary aluminum reduction plants, wet process phosphoric acid plants, superphosphoric acid plants, diammonium phosphate plants, triple superphosphate plants, granular triple superphosphate storage facilities, coal preparation plants, ferroalloy production facilities, steel plant electric arc furnaces, kraft pulp mills, and lime manufacturing plants as defined in section (2) of this rule.

(2) All new stationary sources shall comply with the provisions of Title 40, Part 60, Code of Federal Regulations, July 1, 1977, as amended at 42 FR 37000, July 19, 1977, 42 FR 37936-37938, July 25, 1977, 42 FR 38178, July 27, 1977, 42 FR 39389, August 4, 1977, 42 FR 41122, August 15, 1977, 42 FR 41424, August 17, 1977, 42 FR 41754-41789, August 18, 1977, 42 FR 44812, September 7, 1977, 42 FR 55796-55797, October 18, 1977, 42 FR 57125-57126, November 1, 1977, 42 FR 58520-58521, November 10, 1977, 42 FR 61537, December 5, 1977, 43 FR 1494-1498, January 10, 1978 43 FR 7568-7596, February 23, 1978, 43 FR 8799-8800, March 3, 1978, 43 FR 9276-9278 and 9452-9454, March 7, 1978, 43 FR 10866-10873, March 15, 1978, 43 FR 11984-11986, March 23, 1978, and 43 FR 15600-15602, April 13, 1978, with the following exceptions: 40 CFR 60.10 and 40 CFR 60.20-60.29 are deleted. Copies of the federal regulations are available at the air quality bureau of the department, Cogswell Building,Helena, Montana, phone: (406) 449-3454. (History: Sec. 75-2-203, MCA; NEW, Eff. 9/5/75; AMD, Eff. 9/5/76; AMD, 1978 MAR p. 1621; Eff. 12/15/78.)

16-2.14(1)-S14084 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (1) This rule shall apply to the owner or operator of any stationary source for which an emission standard for hazardous air pollutants is prescribed by section (2) of this rule.

(2) The owner or operator of any stationary source shall comply with the provisions of Title 40, Part 61, Code of Federal Regulations, July 1, 1977, as amended at 42 FR 41424, August 17, 1977, 42 FR 51574, September 29, 1977, 43 FR 8800, March 3, 1978, and 43 FR 26373-26374, June 19, 1978, with the following exception: 40 CFR 61.16 is deleted.

(3) A listing of affected stationary sources as defined in 40 CFR 61 shall be maintained by and available from the air quality bureau of the department. Copies of the Federal regulations are also available from the air quality bureau of the department, Cogswell Building, Helena, Montana, phone: (406) 449-3454. (History: Sec. 75-2-203, MCA; NEW, Eff. 9/5/76; AMD, 1978 MAR p.1621; Eff. 12/15/78.)